

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN PENDERGRASS,

Defendant.

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CRIMINAL ACTION NO.  
1:17-cr-0224-AT

**ORDER**

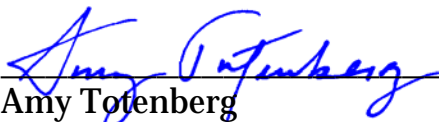
Trial in this matter is currently set for September 24, 2018 [Doc. 64]. On September 12, 2018, Defendant Allen Pendergrass filed a motion seeking a continuance of this date as his attorney “will be hospitalized at least part of next week” [Doc. 68 at 1]. Defendant seeks to have the trial reset for a date in late November as his attorney has trials in other cases that are already set for the dates of November 5 and 13. The Government does not oppose this request [*Id.* at 2].

The Court hereby **GRANTS** Defendant’s motion and **CONTINUES** the trial to November 26, 2018, at 1:30 PM in Courtroom 2308. The time from September 24, 2018, to November 26, 2018, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and

(h)(7)(B)(iv). Failure to grant this continuance would deny counsel for Defendant the reasonable time necessary to effectively prepare for trial, taking into account the exercise of due diligence. The Court finds that the ends of justice are served by granting this continuance and are consistent with both the best interest of the public and individual justice in this matter.

The pretrial conference is reset for November 9, 2018, at 3:30 PM in Courtroom 2308. Defendant Pendergrass is required to attend the pretrial conference or present a written waiver of his attendance. The Court notes that the Government has already filed its proposed voir dire questions and summary of the indictment for use in voir dire [Docs. 66, 67]. By October 19, 2018, the parties are to file any motions in limine and Defendant shall file his proposed voir dire questions. By October 26, 2018, the parties are to file any objections to those items listed above.

It is so **ORDERED** this 17<sup>th</sup> day of September, 2018.

  
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Amy Totenberg  
United States District Judge